

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

FIREMAN'S FUND INSURANCE COMPANY,
And ZURICH INSURANCE COMPANY, LTD,
as subrogees to Boart Longyear, Inc.,

Plaintiffs,

v.

No. 6:10-cv-00401-MV-KRS

THYSSEN MINING CONSTRUCTION
COMPANY OF CANADA LTD; MUDJATIK
THYSSEN MINING; COMINCO
ENGINEERING SERVICES LTD; and
DOES 1-10, inclusive,

Defendants.

SCHEDULING ORDER

THIS MATTER comes before the Court following a telephonic Rule 16 scheduling conference held on November 15, 2018. At the hearing, the Court adopted the parties' proposed Joint Status Report and Provisional Discovery Plan, except for minor modifications discussed on the record and included in the dates below.

IT IS, THEREFORE, ORDERED that the parties shall follow the following discovery plan:

- (a) Maximum of thirty interrogatories per party to the other party with responses due thirty days after service.
- (b) Maximum of thirty requests for production per party to the other party with responses due thirty days after service.
- (c) Maximum of thirty requests for admission per party to the other party with responses due thirty days after service.


(d) Maximum of seven depositions by each party. Depositions shall not exceed four (4) hours except for the depositions of experts and parties.

IT IS FURTHER ORDERED that the following case management deadlines shall govern:

- (a) Plaintiff's expert-disclosure deadline: **May 14, 2019;**
- (b) Defendant's expert-disclosure: **June 21, 2019;**
- (c) Deadline for supplementing discovery/disclosures: **sixty days before trial;**
- (d) Termination of discovery: **September 18, 2019;**
- (e) Motions relating to discovery: **October 30, 2019;**
- (f) All other motions, including dispositive and *Daubert* motions: **November 15, 2019;**
- (g) Pretrial order: Plaintiff to Defendants by: **December 2, 2019;**
Defendant to Court by: **December 16, 2019.**

IT IS FURTHER ORDERED that the Court must approve any changes to the timing or scope of discovery, other than the parties' agreement to extend the length of a deposition beyond six hours made during the deposition in question. Requests by a party to change the timing or scope of discovery, other than a mutual agreement to extend a deposition reached during the deposition, must be made by motion and before the termination of discovery or the expiration of any applicable deadline. Discovery must be completed on or before the termination of the discovery deadline. A written discovery request must be propounded by a date so that the response to that request shall be due on or before the discovery deadline. The parties are further reminded that the cutoff for motions related to discovery does not relieve the party of the 21-day time period under Local Rule 26.6 to challenge a party's objections to answering discovery. The

parties are encouraged to review Federal Rule of Procedure 26(a)(2) to ensure they properly disclose *all* testifying witnesses, not just those for whom a report is required.

A handwritten signature in black ink, reading "Kevin Sweazea". The signature is written in a cursive, flowing style. The first name "Kevin" is written in a smaller, more compact script, while the last name "Sweazea" is written in a larger, more expansive script with a prominent "S" and a long, sweeping "a". The signature is positioned above a horizontal line.

KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE